

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon. David A. Faber

**MCKESSON'S MOTION FOR JUDGMENT ON
PARTIAL FINDINGS REGARDING ACTIONABLE CONDUCT**

Pursuant to Fed. R. Civ. P. 52(c), Defendant McKesson Corporation hereby moves for judgment on partial findings because Plaintiffs have not proven actionable conduct on the part of McKesson that was a substantial factor in causing the alleged public nuisance in Cabell/Huntington that Plaintiffs seek to abate. The bases for this Motion are set forth more fully in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ. P. 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to this motion.

Dated: July 1, 2021

Respectfully submitted,

McKesson Corporation
By Counsel:

/s/ Timothy C. Hester

Timothy C. Hester (DC 370707)
Christian J. Pistilli
Laura Flahive Wu
Andrew P. Stanner
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW Washington, DC
20001
Tel: (202) 662-5324
thester@cov.com
cpistilli@cov.com
lflahivewu@cov.com
astanner@cov.com

/s/ Paul W. Schmidt

Paul W. Schmidt
COVINGTON & BURLING LLP
The New York Times Building 620
Eighth Avenue
New York, New York 10018
Tel: (212) 841-1000
pschmidt@cov.com

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)
jwakefield@flahertylegal.com
Jason L. Holliday (WVSB #12749)
jholliday@flahertylegal.com
FLAHERTY SENSABAUGH BONASSO PLLC
P.O. Box. 3843
Charleston, WV 25338-3843
Telephone: (304) 345-0200

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on July 1, 2021, the foregoing “MCKESSON’S MOTION FOR JUDGMENT ON PARTIAL FINDINGS REGARDING ACTIONABLE CONDUCT” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Timothy C. Hester
Timothy C. Hester (DC 370707)